

-16-

REMARKS

Consideration of the draft amended is respectfully requested. Once reviewed, please contact the applicant's attorney at 216-220-4399 (work direct) or 330-351-5677 (cell).

The main references previously cited against the present invention were U.S. Pat. No. 5,659,376 to Datta et al. (hereinafter "Datta") and U.S. Patent No. 4,484,250 to Rzepecki et al (hereinafter "Rzepecki")

Rzepecki discloses, describes, and claims a static dissipative floor mat to enable personnel-accumulated static electricity to safely discharge from a person standing on the mat. It is repeatedly washable (col. 1, line 47), and has a *solid* upper surface (Col. 3, lines 32-33) that has a sticky or tacky upper surface. (Col. 2, ln 66 through Col. 3, lines 5) The top layer is a solid, non-porous, vinyl layer that has a stickiness imparted through plasticizers being maintained in solution within the material. (Col. 3, lines 10-20).

Datta discloses, describes and claims " *a lofty and thus porous structure of the nonwoven layer is highly useful for handling liquids applied thereon. The lofty, porous structure provides interstices that are highly suitable for holding, intaking and/or distributing liquid.*" (Col 11, line65 through Col 12, line 4)

The Datta inner core is absorbent (see element 24). It is a laminate which provides a foam-like resiliency. (See Col 2, line 1.) Further, it is also designed to be heat sealable (needs to melt) and as such the web is of limited type. It has to melt, and when one adds heat to activate adhesive into the web (as dry powdered or liquid) and then the whole sticky web is put together with 350 deg and pressure to form a new entity as a laminate. A laminate is 2 or more layers bonded together, and not a bonded, highloft nonwoven. The Datta device absorbs liquid, gives

-17-

resiliency to conform to body, and is designed to be strong, resilient, solid, absorbent and soft. There is no mention of capturing particles.

The Datta reference teaches away from the present device, which is a very open, rigid two layer pad, open facing bonded highloft, open porous nonwoven, for large coarse particles (see drawings) with an impermeable layer that is thin and designed to prevent particles from penetrating. The airy, open porous matrix of randomly oriented fibers will not absorb liquids, and would rather allow liquids to pass uninterrupted therethrough will allowing particles to gravitate through the loftiness. This is opposite of a foam-like construction.

Further still, the present invention describes a tacky material that is sprayed on to the open high loft to aid in capturing solid particulates or preloading dry active ingredients.

Superabsorbent polymer is identified as a dry particle in which the current web can be a carrier for SAP and still allow the pad to be open to the environment. The dry SAP particulate clings to the inert, tacky fibers within the highloft.

The current innovation uses a 1/2 inch high, rectangular bonded highloft nonwoven is inflexible, flat, coarse, and holds this shape. It could not be worn against skin comfortably. Any tack that is applied stays sticky, and the inner and outer web never cures to nonsticky state, as would a heat fusable hot melt.

Applicant claims a bonded *high-loft* nonwoven (Claim 1) as a top layer whose outer and inner filaments are coated with a cling enhancing substance (Claim 2) preloaded (Claim 3) with dry reactive particles (Claim 4) that coat each fiber applied to its web matrix. The cling enhancement substance is a sticky (Claim 70, 92-94) residue that mechanically entraps (Claims 92-94) foreign particles or dry powdered active ingredients within the non-woven's web.

-18-

The following examples are a list of limitations which distinguish the present invention over

Datta:

- Applicant claims a distinctly separate bonded highloft nonwoven top layer, while Datta teaches a web and plastic sheet laminate treated with a hot melt, heat fusable, liquid absorbing laminated structure;
- Appellant claims a sticky cling enhancement substance added to the outside of each filament, while Datta rather teaches a mixture of crimped fibers and heat fusable, hot melt adhesive that is cured;
- Appellant claims its cling enhancement substance applied to the matrix web of its high-loft nonwoven filaments while Datta rather claims its hot melt adhesive cured under heat and pressure;
- Appellant claims foreign particles entrapped by means of mechanical entrapment by means of the entrapment in a disposable, high loft nonwoeven, while Datta claims a liquid absorbing sanitary napkin;
- Appellant claims its top layer being the high-loft open-pore web while Datta claims its top layer being an absorbent material supported by a conformable laminate structure;
- Appellant claims a cling enhancement substance that coats each fiber of the open porous high-loft web, which can then be pre-loaded with dry solid particulates of a water-soluble particle, such as, for example, baking soda, while Datta fails to disclose any external particles coating to its structure; and,
- Similarly, because Datta fails to disclose a sticky cling enhancement substance, it cannot and does not teach the Appellant's invention of a web having its fibers preloaded with dry, active particulates (that can further dissolve in water, for example).

The Datta reference teaches a different structure, a different method of use and field of use, and lacks any coating of activated particulates whatsoever.

Consequently, all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (330) 253-2225

Respectfully submitted,



-19-

John D. Gugliotta, P.E., Esq.
Registration No. 36,538
4199 Kinross Lakes Parkway
Suite 275
Richfield, OH 44286
Phone (330) 253-2225
Facsimile (330) 253-6658